

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,)	Docket No. 2:11-cr-00255-01
)	
vs.)	Electronically Filed
)	
WILLIAM F. RYCKMAN,)	
)	The Honorable John T. Copenhaver, Jr.
Defendant.)	U.S. District Court Judge

DEFENDANT'S SENTENCING MEMORANDUM

AND NOW, comes the Defendant, William F. Ryckman, by and through his counsel, Kenneth J. Haber, Esquire, and the law firm of Difenderfer, Rothman & Haber, and respectfully submits the within Sentencing Memorandum as follows:

Title 18 U.S.C. §§3553(a)(4) and (5) refer the Court to consider the sentencing guidelines in fashioning an appropriate sentence. The circumstances of the instant offense are set forth in the Presentence Investigation Report and this Court has the benefit of that information. There is, however, no limitation on the information which this Court can consider in fashioning an appropriate sentence. See 18 U.S.C. §3661; 18 U.S.C. §§3553(a)(1). While he does not wish to minimize the offense conduct and he accepts responsibility for his actions, Dr. Ryckman believes that there are certain facts about his life that warrant a guideline sentence of probation.

Dr. Ryckman requests that the Court consider facts germane to him as a person. Dr. Ryckman is currently 66 years of age. In 1968, he married Mary Lucille Ryckman, raised five children with her, and has remained married for over 43 years. Dr. Ryckman also has 10 grandchildren.

Dr. Ryckman has dedicated his life to charitable service to his Church, his community and his Country, caring for others and volunteering. From 1962 until 1966, Dr. Ryckman attended St. Vincent College in Latrobe, Pennsylvania as an undergraduate. During his time at St. Vincent, Dr. Ryckman was the daily assistant and alter server for the priest's daily private Mass and was an assistant and alter server for the public, weekend Masses. Dr. Ryckman was also a member of the St. Vincent de Paul Society. He helped organize one of their largest charitable activities – collection of medical supplies for African missions. Dr. Ryckman, and other students, assisted by a seminarian, would collect, sort, repack and send medical supplies, including sample medications such as antibiotics, diuretics, and blood pressure medicines, to religious missions in Africa who set up hospitals and medical clinics in places where medical treatment was not otherwise available. As a member of the Biology Club, Dr. Ryckman visited Torrance State Hospital, to talk to and listen to patients, as a way of letting them know that others still cared about them.

From 1966 to 1971, Dr. Ryckman attended medical school at the State University of New York at Buffalo. While at SUNY – Buffalo, Dr. Ryckman was a member of the Newman Club. As a member, he helped organize weekend Masses, including planning the music and socials after Mass. He also helped plan retreats, activities and roadtrips. It was during one of these Newman Club outings, a horseback riding excursion to Canada, at which he met the woman he married.

While in medical school, in 1968, Dr. Ryckman joined the U.S. Air Force. From 1968 until 1971, he was on inactive duty as a member of the Reserves. In 1971, he

entered full-time active duty as a First Lieutenant and was stationed at Andrews Air Force Base. At Andrews, Dr. Ryckman became a Eucharistic Minister and helped plan weekend liturgies, including planning music, writing parts of the Mass, planning social events after Masses, and planning special liturgies, such as Baptisms. In a professional capacity, Dr. Ryckman was doing his family practice residency on the Base. He was the first resident to be accepted into a family practice residency in the military, allowing him to care for not just military personnel but also their families. He delivered over 200 babies during his time at Andrews. After completing his residency, in 1974, Dr. Ryckman became the clinic director, where he served for 3 years, overseeing 6 residents each year (18 in total). He set-up and managed the clinic, saw patients, and set-up schedules for the residents.

In 1977, Dr. Ryckman went into private practice but remained a member of the Air National Guard. From 1981 until 1989, Dr. Ryckman was the Clinic Commander. In 1989, he retired from the Air Force with the rank of Colonel. After his retirement, he was awarded an honorary Brigadier rank.

In private practice, Dr. Ryckman made house-calls two to three times per week for patients who could not come in to the office. From 1992 until 1994, Dr. Ryckman served as a physician for the Bureau of Prisons at FCI Morgantown.

Dr. Ryckman also continued his Church work, first at St. Charles Borromeo and later at Holy Family. Dr. Ryckman has served as a Eucharistic Minister, ministering in Church and visiting homebound members of his parish. He also serves as a lector and in the choir. For several years, he has chaired the Fundraising Committee for the

Diocese, now known as the Diocesan Lenten Appeal, raising money on an annual basis for the Diocese and the Parish. Four years ago, Dr. Ryckman served as the Chairman of the Capital Campaign for the Diocese and raised over \$60,000 from his small parish alone.

Dr. Ryckman also runs the monthly bingo, which raises money for the Church. He is responsible for advertising, buying supplies and organizing volunteers. He is also responsible for planning 5-6 dinners per year at the Church, and Nights at the Races, as fundraising events. During the holidays (usually Christmas and Easter), Dr. Ryckman organizes volunteers to visit shut-ins, to bring Communion and gifts from the parish. He is also a member of the Holy Name Society, which plans other fundraising events, and he sets up Bible Study programs.

Dr. Ryckman joined the Knights of Columbus 16 years ago and is now the Deputy Grand Knight. Dr. Ryckman initiated "Days of Reflection", a retreat that now occurs 6 to 8 times per year. To this day, Dr. Ryckman remains instrumental in the planning and organization of the retreats, including contacting speakers. Dr. Ryckman also publishes a quarterly newsletter. As part of the Knights of Columbus Assembly, he is a Fourth Degree Knight and currently serves as Comptroller.

Dr. Ryckman and his wife also financially support their Church, contributing \$125/week in the weekly collection and \$50 for each special collection. Additionally, they financially contribute to their former pastor, Father James Bump. Fr. Bump was forced to retire at 65 due to health issues. This was considered "early retirement" and therefore his pension was cut by half at first and then by a third. He receives only \$800

per month from his pension, which is insufficient to live on given his medical needs. Dr. Ryckman and his wife contribute \$100 per week (roughly \$400 per month) to help with Fr. Bump's expenses.

Dr. Ryckman was very involved with activities relative to the schools his children attended. He was a member of the Parent Teacher Guild and instrumental in fundraising to keep the school open. While his children attended St. Michael's, he did fundraising and performed physicals for the school sports teams. His fundraising efforts were integral in the school being able to remain open for four years longer than it otherwise would have, as finances and enrollment eventually lead to its closure.

Dr. Ryckman and his wife are also very involved with their children and grandchildren. His third son, wife and four children live next door. Dr. Ryckman's 40-year-old daughter-in-law suffers from Stevens Johnson Syndrome, which is a rare but serious skin disorder due to allergic reaction or infection. She has nearly died at least three times, has been on a ventilator, and is now disabled and unable to drive. Dr. Ryckman goes shopping for the family, transports his daughter-in-law and grandchildren to doctors' appointments, picks the grandchildren up at school and shuttles them to after-school events. Last year, the daughter-in-law's father died and her mother has now moved in with the family. She, too, is disabled and does not drive, so Dr. Ryckman takes care of her errands and shuttling her around as well. Dr. Ryckman and his wife also watch their three-year-old granddaughter a few times a week during the day, so that her mother can work.

Dr. Ryckman, himself, has severe health issues. Dr. Ryckman had triple bypass (heart) surgery in 2002 and hernia surgery in 2010. Three years ago, he was diagnosed with prostate cancer. He suffers from uncontrolled high blood pressure and has recurring acid reflux. Dr. Ryckman also suffers from arthritis in his back and right knee. Currently he is undergoing treatment for his knee, with a possibility that he will require knee replacement surgery in the near future.

Dr. Ryckman in no way believes any of these service activities and/or his physical condition excuse his criminal conduct. However, he is sincerely remorseful for his poor choices and his actions. Dr. Ryckman realizes that his service activities do not excuse his behavior or entitle him to escape punishment that the Court should and will impose. He is merely requesting that the Court consider him as a whole person and how he has conducted his life, and not just as the defendant the Court sees before it.

As this Honorable Court deliberates as to the most appropriate sentence to impose on Dr. Ryckman, his counsel, for the reasons set forth above, asks that the Court consider a sentence of probation.

Respectfully submitted,

/s/ John A. Kessler
John A. Kessler, WVSB No. 2027
Carey, Scott, Douglas & Kessler, PLLC
901 Chase Tower
707 Virginia Street, East
P.O. Box 913
Charleston, WV 25323
(304) 345-1234
jakessler@csdlawfirm.com

s/ Kenneth J. Haber
Kenneth J. Haber, PA I.D. No. 65968
Difenderfer, Rothman & Haber
304 Ross Street, Suite 400
Pittsburgh, PA 15219
(412) 338-9990
DifenderferRothmanHaber@yahoo.com